

FLORIDA | Board of Nursing Home Administrators

DRAFT MINUTES

September 18, 2015

Gaylord Palms
6000 W Osceola Parkway
Kissimmee Florida 34746



Henry Gerrity, III, NHA
Chair

Scott Lipman, MHSA, NHA
Vice-Chair

Anthony Spivey, DBA
Executive Director

General Board Business started: 9:00 a.m.

The meeting was called to order by Mr. Gerrity, Chair. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Henry Gerrity, III, NHA, Chair
Scott Lipman, MHSA, NHA, Vice-Chair
Chantelle Fernandez, MBA, NHA
Michael Helmer, BA
Patricia Feeney, RN, BSN, HCRM
Christine Hankerson, MSN, MS/P, PhD, RN
William Phelan, MS, CAE

STAFF PRESENT:

Anthony Spivey, DBA, Executive Director
Joseph Lesho, Program Operations Administrator

BOARD COUNSEL:

Lawrence Harris, Assistant Attorney General
Office of the Attorney General

COURT REPORTER:

Cindy Green
American Court Reporting
Phone: (407) 896-1813

Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this meeting can be found online: <http://floridasnursinghomeadmin.gov/meeting-information/>

Section II started at 9:00 a.m.

II. APPROVAL OF MEETING MINUTES:

Minutes of the June 26, 2015 Full Board meeting were reviewed.

Action: Motion to accept the minutes as written was made by Mr. Helmer. Seconded by Ms. Feeney.

Vote: 7 yeas / 0 opposed; motion carried

Section II concluded at 9:01 a.m.

Section III started at 9:01 a.m.

III. APPLICANTS PRESENTED FOR BOARD REVIEW:

a. Administrator-in-Training Program

i. Negovan Mamic

Mr. Mamic was present, and was represented by counsel, Dr. Jon Hornlein, Esq.

Mr. Mamic submitted an application for the 1,000-hour AIT program; however, the Credentialing Committee determined that Mr. Mamic did not meet the educational requirements for the 1,000-hour program, and recommended that he be approved for the 2,000-hour program. The application and supporting documentation were presented to the Full Board for discussion at the request of Mr. Mamic. The application was deemed complete on July 14, 2015.

Discussion:

Dr. Hornlein stated his belief that requiring the 2,000 hour AIT program would create a financial hardship for Mr. Mamic, and explained that Mr. Mamic's bachelor's degree is equivalent to the types of degrees required by Rule 64B10-11.002, F.A.C.

Ms. Fernandez asked Mr. Mamic if he would be opposed to completing the 2,000 hour program. Mr. Mamic said no, but stated that he believed his degree made him more qualified for the 1,000 hour program than the required degrees.

Dr. Hankerson stated that the rules exist for a reason, and should be enforced. The board agreed.

Action: Motion to require the 2,000 hour program pursuant to Rule 64B10-11.002, F.A.C. was made by Mr. Lipman. Seconded by Dr. Hankerson.
Vote: 7 yeas / 0 opposed; motion carried

b. Nursing Home Administrator

i. Sara Ann Busacca

Ms. Busacca was present, and was not represented by counsel.

Ms. Busacca submitted an application for Nursing Home Administrator Licensure by Endorsement, which was received on March 27, 2015; however, the Credentialing Committee determined that Ms. Busacca did not meet the requirements for Licensure by Endorsement, pursuant to s. 468.1705, F.S. The application and supporting documentation were presented to the Full Board for discussion. Ms. Busacca holds an active Nursing Home Administrator license in the State of Ohio. The application was deemed complete on June 8, 2015.

Discussion:

Ms. Busacca clarified an issue with her job description, which lead to her application being referred to the full board. She explained that the hospital at which she was employed had a nursing home within the facility, and she was employed as the administrator of that nursing home.

Dr. Hankerson asked how many beds were in the facility. Ms. Busacca stated there were 19 beds, and that she was also the administrator of a 34 bed facility in Ohio.

Additional discussion ensued regarding Ms. Busacca's background and qualifications, as well as the equivalency of the licensure requirements between Florida and Ohio.

Ms. Feeney recommended that the board accept the application for Licensure by Endorsement; however, Mr. Lipman argued that doing so would contradict the rules that are currently in place, and he was not comfortable in making such a decision. The rest of the board agreed, and Mr. Gerrity suggested approving Ms. Busacca for Licensure by Examination and accepting her NAB score attained for licensure in Ohio.

Action: Motion to approve Ms. Busacca for Licensure by Examination upon receipt of the appropriate application and fees was made by Mr. Gerrity. Seconded by Mr. Phelan.

Vote: 7 yeas / 0 opposed; motion carried

Before proceeding to the next section, the board had a brief discussion of the laws and rules regarding Licensure by Endorsement vs. Examination.

Section III concluded at 10:01 a.m.

The board took a break at 10:01 a.m.

Section IV started at 10:12 a.m.

IV. RATIFICATIONS

a. Licensure –

i. Nursing Home Administrators

Dr. Hankerson disclosed that Sarah Marie Castro, license number 5808 was employed by the same company as herself. Mr. Harris asked Dr. Hankerson if she knew Ms. Castro personally. Dr. Hankerson stated yes. Mr. Harris then asked Dr. Hankerson if she had any knowledge or information that would cause her to be biased or prejudiced against Ms. Castro in any way, or if she had any knowledge of Ms. Castro that was not available to the other board members. Dr. Hankerson stated no.

Action: Motion to ratify the issuance of Nursing Home Administrator licenses listed on page 114 of the agenda (Sandra Irene Mitchell through Edier Alejandro Leon) made by Ms. Feeney. Seconded by Dr. Hankerson.

Vote: 7 yeas / 0 opposed; motion carried

ii. Nursing Home Administrators (Exam)

Mr. Lipman disclosed that Thomas Michael Rabold, Jr., license number 5348, was employed by the same company as himself. Mr. Harris asked Mr. Lipman if he knew Ms. Castro personally. Mr. Lipman stated yes. Mr. Harris then asked Mr. Lipman if he had any knowledge or information that would cause him to be biased or prejudiced against Mr. Rabold in any way, or if he had any knowledge of Mr. Rabold that was not available to the other board members. Mr. Lipman stated no.

Action: Motion to ratify individuals approved by Board Staff, Credentialing Committee, or Full Board to sit for the Nursing Home Administrator Laws and rules Examination and/or the NAB examination listed on page 115 of the agenda (Kevin Thomas McDonnell through Amber Nicole Gant) made by Dr. Hankerson. Seconded by Mr. Phelan. Vote: 7 yeas / 0 opposed; motion carried

iii. Administrators-in-Training

Action: Motion to ratify the issuance of Administrator-in-Training licenses listed on page 116 of the agenda (Kimberly Antoinette Campbell-Everett through Anthony Toussaint) made by Mr. Phelan. Seconded by Dr. Hankerson.

Vote: 7 yeas / 0 opposed; motion carried

iv. Preceptors

Action: Motion to ratify the issuance of Preceptor licenses listed on page 117 of the agenda (Terrie Elaine Banks through Derek Goebelbecker Webster) made by Dr. Hankerson. Seconded by Mr. Helmer.

Vote: 7 yeas / 0 opposed; motion carried

b. Continuing Education –

i. Providers and Courses Approved by CE Chair

Action: Motion to ratify Continuing Education courses approved by CE Chair made by Ms. Feeney. Seconded by Dr. Hankerson.

Vote: 7 yeas / 0 opposed; motion carried

Section IV concluded at 10:17 a.m.

Section V started at 10:17 a.m.

V. PROSECUTION REPORT:

In the absence of prosecution staff, Mr. Harris told the board that there is an upcoming Probable Cause Panel Meeting during which two cases will be discussed in addition to a Reasonable Cause Subpoena. The board then briefly discussed the disciplinary process.

Section V concluded at 10:23 a.m.

Section VI started at 10:23 a.m.

VI. CHAIR/VICE-CHAIR REPORT:

- a. Future Agenda Items:** Mr. Gerrity and Mr. Lipman had nothing new to report, but did note that Mr. Lipman will attend the NAB meeting in November 2015.

Section VI concluded at 10:24 a.m.

Section VII started at 10:24 a.m.

VII. EXECUTIVE DIRECTOR'S REPORT:

a. 2016 Board Meeting Dates –

- i. **March 18, 2016 – Telephone Conference Call**
- ii. **June 24, 2016 – Orlando**
- iii. **September 16, 2016 – Orlando**
- iv. **December 16, 2016 – Telephone Conference Call**

The board requested that the board office look into changing the December 2016 meeting to November 2016. The board also expressed interest in holding meetings in cities other than Orlando. Mr. Lesho stated that staff can try to send bids out to other cities, but noted that all in person meetings are contingent upon disciplinary cases being on a given agenda.

b. Healthiest Weight Meeting – September 23, 2015

c. Chair/Vice Chair Meeting – September 24, 2015

Section VII concluded at 10:35 a.m.

Section VIII started at 10:35 a.m.

VIII. BOARD COUNSEL’S REPORT:

a. Rules Status Report – August 2015:

Mr. Harris provided an overview of recent and pending rule changes.

b. Letter to JAPC

c. Rule 64B10-15 – Continuing Education Discussion:

Mr. Harris explained that he received a letter from the Joint Administrative Procedures Committee (JAPC) regarding the proposed changes to the board’s continuing education (CE) rules. Specifically, he said JAPC asked the board to provide statutory authority for certain sections within the rules. Mr. Harris stated that he identified s. 468.1715(3), F.A.C., as the statutory authority.

After a brief discussion of the statutory authority and other recommended changes to the proposed language, the board agreed to allow Mr. Harris to publish a notice of change and respond to JAPC with the recommended changes as written.

Action: Motion to allow Mr. Harris to publish a notice of change and respond to JAPC with the recommended changes as written in the meeting materials was made by Mr. Gerrity. Seconded by Dr. Hankerson.

Vote: 7 yeas / 0 opposed; motion carried

Mr. Harris asked the board if the proposed changes would have an adverse impact on small business or if the proposed changes would be likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after the implementation of the rule. The board agreed that the answer was “no.”

d. Review of Existing Rules – Information Only

e. Annual Regulatory Plan

Mr. Harris presented the 2015-2016 Annual Regulatory Plan.

Action: Motion to approve the Annual Regulatory Plan made by Mr. Helmer. Seconded by Mr. Phelan.

Vote: 7 yeas / 0 opposed; motion carried

Section VIII concluded at 11:08 a.m.

Section IX started at 11:08 a.m.

IX. COMMITTEE REPORTS

a. AIT/Preceptor – Ms. Fernandez/Mr. Gerrity/Mr. Lipman:

1 Mr. Gerrity told the board that he has spoken to the new preceptors and emphasized to them that they should follow the
2 format with their papers. He stated that most of them have been better recently. Mr. Lipman agreed that recent reports
3 have been cleaner. Ms. Fernandez agreed as well, and stated that she believes the program is moving in the right
4 direction.

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6 **b. Budget – Mr. Helmer:**

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8 Mr. Helmer deferred to Dr. Spivey, who explained the key points of the budget report that was passed out to the board
9 prior to the meeting.

10
11 **c. Continuing Education – Ms. Feeney:** No report

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13 Mr. Lipman brought up an issue of requiring a 2-hour Laws and Rules course for licensure renewal. He invited Lee Ann
14 Griffin and Carol Berkowitz, Esq., representing the Florida Health Care Association (FHCA), to speak to the board about
15 the issue.

16
17 Ms. Griffin stated that FHCA would be happy to assist the board if they would like; however, Ms. Berkowitz said that
18 there may only be enough material for a one hour course.

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20 **d. Credentials – Mr. Lipman**

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22 **i. NHA Licensure Requirement Summary**

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24 **e. Disciplinary Compliance – Dr. Hankerson:** No report

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26 **f. Healthiest Weight – Dr. Hankerson:** No report

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28 **g. Legislation – Mr. Helmer:** No report

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30 **h. Probable Cause**

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32 **i. Stats:** Probable Cause was discussed during the Prosecution Report.

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34 **i. Rules – Ms. Feeney:** Ms. Feeney told the board that she was pleased with the prior day's rule workshop.

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36 **j. Unlicensed Activity – Ms. Feeney:** No report

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38 **Section IX concluded at 11:24 a.m.**

39 **Section X started at 11:24 a.m.**

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41 **X. OLD BUSINESS**

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43 **XI. NEW BUSINESS**

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45 **XII. NEXT MEETING DATE: November 20, 2015 – Teleconference Call –**

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47 The board invited an audience member, Ashley Stamp, to speak to the board. Ms. Stamp explained that she has applied for an
48 Administrator-in-Training license, and that she was in the audience to learn more about the board.

49
50 **XIII. ADJOURNMENT**

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52 **General Board Business concluded at 11:25 a.m.**

53 **The meeting was adjourned at 11:25 a.m.**